## **ILLEGAL IMMIGRATION/Deeming and Medicaid**

SUBJECT: Immigration Control and Financial Responsibility Act of 1996 . . . S. 1664. Graham amendment No. 3764

to the Dole (for Simpson) amendment No. 3743.

**ACTION: AMENDMENT REJECTED, 22-77** 

SYNOPSIS: As reported, S. 1664, the Immigration Control and Financial Responsibility Act of 1996, will address the issue of illegal immigration: by increasing the number of Border Patrol and investigative personnel; by establishing pilot programs to improve the system used by employers to verify citizenship or work-authorized alien status; by increasing penalties for alien smuggling and document fraud; by reforming asylum, exclusion, and deportation laws and procedures; and by reducing the use of welfare by aliens.

The Dole (for Simpson) perfecting amendment to the bill would strike all after the first word and would insert the text of the bill, as amended, with one technical change.

The Graham amendment would deem for 2 years only the income and resources of an immigrant's sponsor to be the immigrant's income and resources for purposes of determining eligibility for Medicaid benefits (the bill will have a 5-year deeming period for Medicaid and other welfare benefits). Further, the 2-year deeming period would only apply to future immigrants (the bill will apply its 5-year period to all sponsored immigrants). Finally, the amendment would add exemptions from the 2-year period to provide emergency care and to meet public health needs.

## **Those favoring** the amendment contended:

The Graham amendment would adopt a middle ground between current law and the Medicaid deeming provisions in this bill. Currently, no deeming requirements apply to Medicaid eligibility. Under this bill, a 5-year, retroactive deeming period will apply. The Graham amendment would make the period only 2 years, would make it prospective only, and would make exceptions for emergency situations and situations affecting the public health. We do not think that any period should apply, but we support the Graham amendment as a reasonable compromise.

(See other side) **YEAS (22)** NAYS (77) NOT VOTING (1) Republicans Republicans **Democrats** Republicans **Democrats Democrats** (1 or 2%) (51 or 98%) (26 or 55%) (21 or 45%) **(1)** (0)Hatfield Akaka Abraham Helms Baucus Kassebaum-2 Boxer Ashcroft Hutchison Biden Daschle Bennett Inhofe Bingaman Jeffords Dodd Bond Bradley Feingold Brown Kempthorne Breaux Ford Burns Kyl Bryan Graham Campbell Lott Bumpers Hollings Chafee Lugar Byrd Coats Mack Kennedy Conrad McCain Kohl Cochran Dorgan Lautenberg Cohen McConnell Exon Lieberman Coverdell Murkowski Feinstein Mikulski Craig Nickles Glenn Moseley-Braun D'Amato Pressler Harkin DeWine Movnihan Roth Heflin Murray Dole Santorum Inouye EXPLANATION OF ABSENCE: Pell Domenici Shelby Johnston Rockefeller Faircloth Simpson Kerrey 1—Official Buisiness Sarbanes Frist Smith Kerry 2—Necessarily Absent Gorton Simon Snowe Leahy 3—Illness Wyden Gramm Specter Levin 4—Other Grams Stevens Nunn Grassley Thomas Pryor SYMBOLS: Gregg Thompson Reid AY—Announced Yea Hatch Thurmond Robb AN-Announced Nay Warner Wellstone PY-Paired Yea PN-Paired Nay

VOTE NO. 104 MAY 1, 1996

We oppose the deeming provisions in this bill for several reasons. First, it is unfair to change the rules in the middle of the game. The sponsors of hundreds of thousands of legal immigrants who are now in the country understood when they agreed to be sponsors that deeming would not apply to Medicaid. It is not fair to say that they will henceforth be legally responsible for the medical care of those immigrants. Second, we all know that immigrants who are denied Medicaid will not go to their sponsors for medical treatment—they will go to State and local welfare programs. Third, the Federal Government requires emergency treatment to be given to any legal alien who walks into a hospital. If that alien and his sponsor then refuse to pay, and if the Federal Government refuses to pay, the hospitals will be left with the bill. Fourth, some immigrants who have medical problems that pose a threat to public health, such as tuberculosis or syphilis, will simply not seek any treatment if they are denied Medicaid. For these reasons we think that the deeming requirements for Medicaid in this bill should be eliminated, and the more moderate provisions of the Graham amendment should be accepted in their stead.

## **Those opposing** the amendment contended:

Sooner or later we think our colleagues are going to come to the realization that a majority of Senators definitely do not think that aliens should be allowed to go on welfare if they have been let into the country on their promises and their sponsors' promises that they will never go on welfare. For more than 100 years the law has been that sponsors must provide support when needed, but courts have gutted that law. This bill will restore it. If someone gives his or her word that they will see to the needs of an immigrant rather than letting that immigrant go on welfare, and when that immigrant is only let in the country because of that promise, that promise should be binding. It should not be binding for cash assistance, food assistance, education assistance, legal assistance, and all other forms of assistance except medical assistance. We see no logical reason why sponsors should be allowed to break their word when it comes to this one area. To the extent a sponsor is able to pay, that sponsor should be forced to pay, and that is what this bill will require. When a sponsor is unable to provide support an immigrant will be entitled to Medicaid, but not before. The American taxpayers should not be made to foot the bill. We have enough needy Americans in this country already without importing more to take care of when their sponsors lie about their willingness to provide support. We therefore strongly urge the rejection of the Graham amendment.